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COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Thailand

1. The Committee considered the initial report of Thailand (CRC/C/11/Add.13) at its 493rd to 495th meetings (CRC/C/SR.493-495) on 1 and 2 October 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/THA/1). The Committee notes the detailed and comprehensive structure of the report but regrets that it does not fully follow the established guidelines. The Committee also notes the constructive, open and frank dialogue it had with the delegation of the State party, and the additional information it received during the discussion. The Committee notes with appreciation the active participation of children and non-governmental organizations in its dialogue with the State party.

B. Positive aspects

3. The Committee notes the State party's recent adoption of a new Constitution (1997) which guarantees the promotion and protection of human rights, including children's rights as recognized by the Convention, and calls for the establishment of a national human rights committee charged with monitoring human rights.

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* At the 505th meeting, held on 9 October 1998.

4. The Committee notes the recent efforts undertaken by the State party in the field of law reform. In this regard, it welcomes the enactment of the Amended Criminal Procedure Code concerning indecent acts committed against both boys and girls; the Criminal Procedure Code concerning juvenile defendants below the age of 18 years; the Act concerning Measures of Prevention and Suppression of the Trafficking in Women and Children of 1997; the Prevention and Suppression of Prostitution Act of 1996; the Occupational Training Promotion Act of 1993; and the Labour Protection Act of 1998.

5. The Committee notes that the Eighth National Economic and Social Development Plan (1997-2001) has given priority to human development, including child protection and participation. In this regard, it welcomes the initiatives to extend greater development opportunities to vulnerable and disadvantaged groups and implement special monitoring systems in the area of child labour and prostitution. The Committee also welcomes the State party's establishment of indicators, including social indicators (basic minimum needs); indicators on child and youth development; and indicators on child rights.

6. The Committee notes the cooperation between the State party and non-governmental organizations, particularly in the preparation of the report, and the current initiative to review policies and legislation to ensure compliance with the Convention.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the current economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the high level of external debt, the requirements of the structural adjustment programme and the increasing level of unemployment and poverty.

D. Subjects of concern and Committee recommendations

8. While noting with appreciation that the State party has withdrawn its reservation with respect to article 29 of the Convention, the Committee is concerned at the remaining reservations (to arts. 7 and 22), made by the State party upon ratification of the Convention. In this regard, the Committee notes that the State party has recently (1997) ratified without reservation the International Covenant on Civil and Political Rights, and wishes to draw attention in particular to the provisions of articles 2 and 24 of the Covenant. In the light of the Vienna Declaration and Programme of Action of 1993 and the recent ratification of the International Covenant on Civil and Political Rights, the Committee encourages the State party to consider the possibility of reviewing its reservations with a view to withdrawing them.

9. The Committee notes that the State party has developed a substantive legislative framework. It is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee recommends that the State party undertake a review of its

domestic legislation to ensure full conformity with the principles and provisions of the Convention. In this regard, the Committee also encourages the State party to consider the possibility of enacting a comprehensive code for children.

10. While the Committee notes the establishment of the Corrupt Practices Commission, the need to strengthen law enforcement and combat corrupt practices in all areas covered by the Convention is still of particular concern to the Committee. The Committee therefore recommends that the State party take all appropriate measures, including training, to strengthen law enforcement and prevent corrupt practices.

11. While noting the efforts of the National Youth Bureau to facilitate the coordination of child rights issues, the Committee is concerned that involvement and coordination at the local level is still somewhat limited. The Committee recommends that the State party adopt a comprehensive approach to the implementation of the Convention by, inter alia, decentralizing the process of promoting and protecting children's rights. The Committee also recommends that further steps be taken by the State party to strengthen coordination through the National Youth Bureau, particularly at the local level.

12. While noting the development of indicators for monitoring the implementation of the Convention, the Committee is still concerned that the current data-collection mechanism is insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are vulnerable, including economically exploited children, children of single-parent families, children born out of wedlock, institutionalized children and children of nomadic and hill tribe communities.

13. The Committee expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee also suggests that the State party institute an awareness-raising campaign to facilitate the effective use by children of such a mechanism.

14. The Committee takes note of the State party's increased social expenditure allocations, even in difficult economic circumstances. The Committee remains concerned, however, that in the light of article 4 of the Convention, not enough attention has been paid to making budgetary allocations in favour of children "to the maximum extent of (...) available resources". In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary

allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

15. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children and the public at large are generally not sufficiently aware of the Convention. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it recommends that the Convention be translated into and made available in all minority or indigenous languages. The Committee also recommends the appropriate, systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, military officers and personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administration and personnel of child-care institutions. The Committee encourages the State party to take measures to raise awareness among the media and the public at large concerning the rights of the child. It suggests that the State party seek to ensure that the Convention is fully integrated into school and university curricula. In this regard, the Committee also suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

16. The Committee expresses its concern at the low minimum legal age for criminal responsibility. It is also concerned that no legal age is established for the attainment of majority. The Committee recommends that the State party review its legislation in order to bring it into conformity with the provisions of the Convention.

17. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially the general principles reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but also are appropriately reflected in any legal revisions or judicial and administrative decisions, and in the development and implementation of all projects and programmes which have an impact on children.

18. The Committee acknowledges the efforts made by the State party to reach vulnerable groups. The Committee is still concerned, however, that the measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including girls, children with disabilities, children belonging to minorities including hill tribes, children living in rural areas, children living in poverty, children living and/or working on the streets and

asylum seeking children, illegal-immigrant children, children in the juvenile justice system and children born out of wedlock. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups.

19. While the Committee notes the efforts made by the State party to encourage the participatory rights of children, it is concerned that traditional practices, culture and attitudes still limit the full implementation of article 12 of the Convention. The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, as well as within the school, care and judicial systems.

20. The Committee notes that the State party has enacted legislation to guarantee registration at birth (the Registration of Inhabitants Act), but is concerned that many children are still not registered, particularly those living in nomadic and hill tribe communities. In the light of article 7 of the Convention, the Committee recommends that the State party increase its efforts to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth. The Committee also encourages the State party to adopt measures to regularize the situation of hill tribe children and provide them with documentation to guarantee their rights and facilitate their access to basic health, education and other services.

21. The Committee notes the State party's efforts to prohibit the use of corporal punishment in schools. It is concerned, however, that corporal punishment is still practised and that domestic legislation does not prohibit its use within the family, the juvenile justice and alternative care systems and generally within the society. In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

22. The Committee notes the establishment by the State party of a programme to encourage the reinforcement of the family environment and to strengthen parenting skills among both parents. The Committee remains concerned, however, at the high rate of abandonment of children, especially children born out of wedlock and children of poor families. In this regard, the Committee also expresses concern at the lack of adequate alternative care facilities and qualified personnel in this field. The Committee recommends that the State party increase its efforts to provide support, including training, for parents, to discourage the abandonment of children. It is also recommended that the State party develop additional programmes to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions.

23. The Committee notes the efforts by the State party to provide protection to child victims. However, the lack of awareness and information on domestic violence, the ill-treatment and abuse of children, including sexual abuse - both within and outside the family - the lack of appropriate resources - both financial and human - and the lack of adequately trained personnel to prevent and combat abuse remain matters of concern. In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, to understand the scope and nature of the phenomenon, in order to adopt adequate measures and policies and contribute to changing traditional attitudes. It also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure, that sanctions be applied to perpetrators and that publicity be given to decisions taken in such cases, due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and prevention of the criminalization and stigmatization of victims.

24. While the Committee notes the efforts of the State party to reduce the child and infant mortality rates, it is still concerned at the persistence of poor breastfeeding practices and the high rate of malnutrition. The Committee encourages the State party to develop comprehensive policies and programmes to promote and improve breastfeeding practices, to prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children, and consider seeking technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

25. The Committee is particularly concerned over the absence of data on adolescent health, including on teenage pregnancy, abortion, suicide, accidents, violence, substance abuse and HIV/AIDS. In this regard, the Committee recommends that the State party increase its efforts to promote adolescent health policies and strengthen reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and sexually transmitted diseases. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care and rehabilitation facilities for adolescents.

26. The Committee is concerned that the State party has not yet fully implemented the Rehabilitation of the Disabled Act of 1991. In this regard, the Committee also expresses its concern at the lack of adequate facilities and services for persons with disabilities, including children. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent

disabilities, implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.

27. While the Committee notes the high rate of school enrolment, particularly at the primary level, and the recent initiative to establish additional schools in rural communities, it is still concerned that some children, particularly those living in poverty and in nomadic and hill tribe communities, do not have access to education. In the light of the recent economic constraints, the Committee is also concerned at the number of children, particularly girls, leaving school prematurely to engage in labour. The Committee recommends that all appropriate measures be taken to provide equal access to education for all children in Thailand. The Committee further recommends that the State party seek to implement additional measures to encourage children, particularly girls and children from poor and hill tribe families, to stay in school, and to discourage early employment.

28. The Committee notes the efforts of the State party to ensure protection and humanitarian assistance to displaced children. The Committee expresses its concern, however, that the legal framework for protection of unaccompanied and asylum seeking children remains unclear. It is also concerned at the situation of children deprived of their liberty placed in immigration detention centres, especially in view of the lengthy detention periods. The Committee recommends clarification of the State party's legislative framework to ensure adequate protection of unaccompanied and asylum seeking children, including in the field of physical safety, health and education. Procedures should also be established to facilitate family reunification. All appropriate measures should be taken by the State party to avoid the placement of asylum seeking children in immigration detention centres. The State party may consider seeking assistance from UNHCR in this regard. The Committee also suggests that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1966 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

29. While welcoming the recent adoption of the Labour Protection Act of 1998, in which the minimum legal age for access to work has been increased from 13 to 15 years, the Committee remains concerned at the high rate of economic exploitation, as well as at the increasing number of children leaving school, sometimes at an early age, to work to support themselves and their families. In this regard, the Committee encourages the State party to introduce monitoring mechanisms to ensure enforcement of labour laws. The Committee also suggests that the State party consider ratifying ILO Convention No. 138 concerning the minimum age for admission to employment.

30. The Committee expresses concern at the continuing high rate of sexual abuse of children, including child prostitution and trafficking and sale of

children, which affects both girls and boys. In this regard, the Committee recommends that measures be taken, on an urgent basis, to strengthen law enforcement and to implement the State party's national programme of prevention. Further, the State party should seek to step up its efforts to implement an awareness-raising campaign and a thorough monitoring system at the community level. Rehabilitation within, as well as outside of, institutions should be further enhanced. In an effort to combat effectively intercountry trafficking and sale of children, the Committee suggests that the State party increase its efforts in the area of bilateral and regional agreements with neighbouring countries to facilitate the repatriation of trafficked children and encourage their rehabilitation, including within the framework of the regional Mekong Conference on Migration. The Committee urges the State party to continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children. It also recommends that the State party envisage ratifying the 1949 Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

31. While the Committee notes that the State party has enacted legislation relating to the establishment of juvenile courts, it is still concerned at the general situation with regard to the administration of juvenile justice and in particular its compatibility with the Convention, as well as other relevant United Nations standards. The Committee is particularly concerned that the juvenile justice system is not implemented throughout the State party. The Committee is also concerned at reported cases of ill-treatment of children by law enforcement personnel. The Committee recommends that the State party consider taking additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to protecting the rights of children deprived of their liberty and to expanding the juvenile justice system to ensure full coverage throughout the State party. Training programmes on relevant international standards should be organized for all professionals involved with the system of juvenile justice. The Committee also recommends that the State party consider ratifying the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

32. The Committee notes the recommendations proposed by the State party in its initial report regarding the implementation of the Convention. The Committee encourages the State party to implement the proposed recommendations.

33. Lastly, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and the present concluding observations of the Committee. Such a document should be widely distributed in order to generate debate on and awareness of the Convention and its implementation and monitoring within the Government and the general public, including non-governmental organizations.